

## **REMARKS**

The Office Action dated May 18, 2006, has been received and carefully noted. The above amendments and the following remarks are submitted as a full and complete response thereto.

By this Amendment, claims 2, 3, 9, 11, 13 and 15-22 have been amended. Support for the amendments can be found on at least page 17, lines 1-7 and page 38, lines 3-10 of the specification as originally filed. No new matter has been added. Claims 2-4, 9, 11 and 13-22 are pending and respectfully submitted for consideration.

### **Rejections Under 35 U.S.C. § 112**

Claims 2, 4 and 14 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 4 and 14 depend from claim 2. The Applicants have amended claim 2 responsive to the rejection and respectfully submit that all claims are in compliance with U.S. patent practice.

### **Rejections Under 35 U.S.C. § 102**

Claims 2-4, 9, 11 and 13-22 were rejected under 35 U.S.C. § 102(b) as being anticipated by Mueller et al. (U.S. Patent No. 5,235,509, "Mueller"). To the extent that the above-noted rejections remain applicable to the claims currently pending, the Applicants traverse the rejections and respectfully submit that claims 2-4, 9, 11 and 13-22 recite subject matter that is neither disclosed nor suggested by Mueller.

Claims 2, 3, 15, 19, 20, 21 and 22, as amended, recite, in part, initially displaying a touch panel laid out integrally in an initially displayed screen, the touch panel including an item key unit formed of a plurality of keys for every item including an item of a predetermined set of articles being a combination of a base item and at least one

optional item. In contrast, Mueller discloses a customer self-ordering system using information displayed on the screen. The apparatus in Mueller includes a customer terminal having a display screen that is preferably a touch screen used by the customer during the self-ordering operation. The screen in Mueller displays information that assists the customer in becoming acquainted with the self-ordering process. Subsequent screens in Mueller display information related to the selection of food items. See the Abstract of Mueller. As such, Mueller does not disclose or suggest at least the combination of features of initially displaying a touch panel formed of a plurality of keys for every item including an item of predetermined sets of articles being a combination of a base item and at least one optional item, as recited in claims 2, 3, 15, 19, 20, 21 and 22.

Claims 9 and 11, as amended, recite, in part, an item of a predetermined set of articles being a combination of a base item and at least one optional item. In contrast, Mueller discloses a single food item selection. See Fig. 7 of Mueller. Accordingly, Mueller does not disclose or suggest an item of a predetermined set of articles being a combination of a base item and at least one optional item, as recited in claims 9 and 11.

Claims 16-18 recite, "order inputting screen having...a first ten key unit" and an "account screen laid out with... a second ten key unit". The Applicants respectfully submit that Mueller fails to disclose or suggest both an order inputting screen having a first ten key unit and an account screen laid out with a second ten key unit. As such Mueller fails to disclose or suggest the features of the invention, as recited in claims 16-18.

According to U.S. patent practice, a reference must teach every element of a claim in order to properly anticipate the claim under 35 U.S.C. §102. In addition, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628,631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “Every element of the claimed invention must be arranged as in the claim . . . . [t]he identical invention must be shown in as complete detail as is contained in the patent claim.” Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236 (Fed. Cir. 1989) (emphasis added).

The Applicants respectfully submit that Mueller does not disclose or suggest at least the combination of features of initially displaying a touch panel formed of a plurality of keys for every item including an item of predetermined sets of articles being a combination of a base item and at least one optional item and “order inputting screen having...a first ten key unit” and an “account screen laid out with... a second ten key unit”, as arranged in the claims. Accordingly, Mueller does not anticipate claims 2, 3, 9, 11, and 15-22, nor are claims 2, 3, 9, 11, and 15-22, obvious in view of Mueller. As such, the Applicant submits that claims 2, 3, 9, 11, and 15-22 are allowable over Mueller.

### **Conclusion**

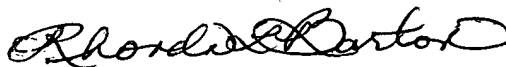
The Applicants respectfully submit that claims 2, 3, 9, 11, and 15-22 are allowable. Claims 4 and 14 depend from claim 2 and claim 13 depends from claim 3. The Applicants further submit that each of these claims incorporate the patentable aspects thereof, and are therefore allowable for at least the same reasons as discussed

above. Accordingly, the Applicants respectfully request withdrawal of the rejections, allowance of claims 2-4, 9, 11 and 13-22 and the prompt issuance of a Notice of Allowability.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing Attorney Dkt. No. 107342-00002.**

Respectfully submitted,



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Enclosure: Petition for Extension of Time (two-month)